

80



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,388	10/22/2003	Anthony Billington	27049-9	8634

7590 05/04/2005

Woodard, Emhardt, Moriarty, McNett & Henry LLP
 Bank One Center/Tower
 Suite 3700
 111 Monument Circle
 Indianapolis, IN 46204-5137

EXAMINER

KERSHTEYN, IGOR

ART UNIT	PAPER NUMBER
----------	--------------

3745

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/691,388	BILLINGTON, ANTHONY	
	Examiner	Art Unit	
	Igor Kershteyn	3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-10 is/are rejected.
- 7) ☒ Claim(s) 6 and 11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/2/04, 7/22/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7, 8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Land (2,577,134).

In figures 1-6, Land teaches a turbocharger comprising a compressor wheel assembly comprising a compressor wheel 8 mounted to a rotating shaft 3, wherein the shaft 3 extends through a bore 9 provided along the rotational axis of the wheel 8, and the wheel 8 is keyed to the shaft 3 such that rotation of the shaft 3 drives rotation of the wheel 8 through the keying engagement.

Claims 1-3, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Bozung (4,183,719).

In figure 1, Bozung teaches a compressor wheel assembly comprising a compressor wheel 1,2 mounted to a rotating shaft 8, wherein the shaft 8 extends through a bore 5,6 provided along the rotational axis of the wheel 1,2, and the wheel 1,2 is keyed to the shaft 8 such that rotation of the shaft 8 drives rotation of the wheel 1,2 through the keying engagement.

Art Unit: 3745

Claims 1-5, and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Japan Patent 5898629.

In figures 1-5, Japan Patent teaches a turbocharger comprising a compressor wheel assembly comprising a compressor wheel 6 mounted to a rotating shaft 3, wherein the shaft 3 extends through a bore (not numbered) provided along the rotational axis of the wheel 6, and the wheel 6 is keyed to the shaft 3 such that rotation of the shaft 3 drives rotation of the wheel 6 through the keying engagement.

Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Harris et al. (3,311, 221).

In figures 1-5, Harris et al. teach a wheel assembly comprising a compressor wheel 10 mounted to a rotating shaft 12, wherein the shaft 12 extends through a bore 14 provided along the rotational axis of the wheel 10, and the wheel 10 is keyed to the shaft 12 such that rotation of the shaft 12 drives rotation of the wheel 10 through the keying engagement.

Allowable Subject Matter

Claims 6 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 3745

Prior Art

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consist of two patents.

Osborn et al. (4,353,685) is cited to show a wheel assembly, a rotating shaft, and a keying engagement preventing from relative rotation between the wheel and the shaft.

Jepsen (4,417,855) is cited to show a wheel assembly and a keying arrangement but failed to shoe a shaft.

Contact information

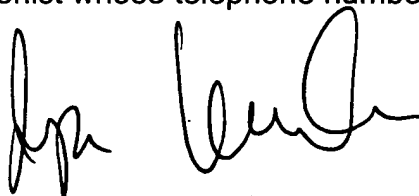
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kershteyn whose telephone number is **(571)272-4817**. The examiner can be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on **(571)272-4820**. The fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 0861.

IK

April 27, 2005

A handwritten signature in black ink, appearing to read 'Igor Kershteyn', is written over the printed name and title.

**Igor Kershteyn
Patent examiner.
Art Unit 3745**